

**BEFORE THE
ILLINOIS COMMERCE COMMISSION**

@Link Networks, Inc.)

)
)
Application for a certificate of)
local and interexchange authority)
to operate as a reseller and facilities)
based carrier of telecommunications)
services throughout the State of Illinois.)

Docket No.

00-0421

ILLINOIS
COMMERCE COMMISSION
JAN 15 10 40 AM '00
GREGORY'S OFFICE

**TESTIMONY OF CONSTANCE L. KIRKENDALL
ON BEHALF OF
@LINK NETWORKS, INC.**

OFFICIAL FILE

I.C.C. DOCKET NO. 00-0421

Ret Exhibit No. 1

Witness

Date 8/10/00 Reporter CL

1 **I. INTRODUCTION**

2
3 **Q. PLEASE STATE YOUR NAME, TITLE, BUSINESS ADDRESS AND**
4 **TELEPHONE NUMBER.**

5 **A.** My name is Constance L. Kirkendall. I am the Regulatory Manager of @Link Networks,
6 Inc. ("@Link "). My business address is 2220 Campbell Creek Boulevard, Suite 110,
7 Richardson, Texas 75082. My business phone number is (972) 367-1724.

8
9 **Q. WHAT ARE YOUR RESPONSIBILITIES AS MANAGER OF REGULATORY**
10 **AFFAIRS?**

11 **A.** In my capacity as Regulatory Manager, I oversee, and am responsible for the planning,
12 coordination, reporting and filing of various regulatory documents, such as
13 interconnection agreements and applications for certificates of public convenience and
14 necessity with state regulatory bodies. I am also responsible for ensuring compliance for
15 @Link in over forty jurisdictions.

16
17 **Q. PLEASE DESCRIBE YOUR PROFESSIONAL EXPERIENCE.**

18 **A.** I have a Bachelors degree from the University of Tulsa and a law degree from the SMU
19 School of Law. I have several years experience in the telecommunications industry, most
20 recently in the legal department of HighwayMaster Communications, Inc. which
21 provided mobile communications solutions to the transportation industry. Prior to
22 HighwayMaster, I worked in the wireless industry as Vice President of Regulatory
23 Affairs for Personal Communications Corporation, a company that provided consulting
24 services in cellular, specialized mobile radio and personal communications services.

25
26 **Q. ARE YOU FAMILIAR WITH THE APPLICATION THAT @LINK NETWORKS,**
27 **INC. FILED WITH THE ILLINOIS COMMERCE COMMISSION FOR A**
28 **CERTIFICATE OF LOCAL AND INTEREXCHANGE AUTHORITY TO**
29 **OPERATE AS A RESELLER AND FACILITIES-BASED CARRIER OF**
30 **TELECOMMUNICATIONS SERVICES THROUGHOUT THE STATE OF**
31 **ILLINOIS?**

1 A. Yes.

2
3 Q. DO YOU RATIFY AND CONFIRM THE STATEMENTS THAT ARE MADE IN
4 THE APPLICATION ?

5 A. Yes.

6 II. PURPOSE AND SUMMARY

7 Q. WHAT IS THE PURPOSE OF YOUR TESTIMONY IN THIS PROCEEDING?

8 A. I submit this testimony on behalf of @Link to explain the services that @Link proposes
9 to offer in Illinois, and to demonstrate @Link's financial, technical, managerial and
10 operational capabilities to operate as a provider of competitive local exchange and
11 interexchange services in Illinois.

12
13 Q. PLEASE DESCRIBE THE AUTHORITY THAT @LINK SEEKS FROM THE
14 COMMISSION.

15 A. @Link (formerly known as Dakota Services, Inc.) is currently authorized by the Illinois
16 Commerce Commission to provide data transmission services as a facilities-based local
17 exchange carrier throughout the State of Illinois. @Link is currently providing data
18 transmission services to Illinois customers. By this application, @Link seeks to expand
19 its authority to include all forms of competitive facilities-based and resold local exchange
20 and interexchange telecommunications services in Illinois.

21
22 Q. HAS @LINK BEEN AUTHORIZED TO PROVIDE SUCH SERVICE IN
23 ANY OTHER JURISDICTIONS?

24 A. Yes. @Link has authority to provide telecommunications service in Alabama, Arkansas,
25 California, Colorado, Connecticut, Delaware, District of Columbia, Florida, Georgia,
26 Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Massachusetts, Michigan,
27 Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New
28 Jersey, New York, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island,
29 South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, West Virginia,

1 Wisconsin, and Wyoming. Applicant also is authorized to provide data
2 telecommunications services (on an unregulated basis) in Idaho, Iowa and Wyoming.
3 @Link has pending applications for authority to provide telecommunications service in
4 the Arizona, Louisiana, Maine, and North Carolina, and is in the process of obtaining
5 authority to provide telecommunications services in New Mexico, Virginia, and
6 Washington. Applicant is authorized to provide advanced telecommunications services
7 as a Federal Data IXC through a tariff filed with the Federal Communications
8 Commission on March 31, 1998.

9
10 **Q. HAS @LINK EVER BEEN DENIED AUTHORIZATION BY A STATE**
11 **REGULATORY AGENCY?**

12 **A.** No, @Link has never been denied requested authorization by a state regulatory agency.
13

14 **Q. PLEASE DESCRIBE THE CORPORATE STRUCTURE OF @LINK.**

15 **A.** @Link is a corporation organized and existing under the laws of Wisconsin. @Link is a
16 wholly owned subsidiary of @Link Holdings, Inc., a company organized under the laws
17 of the State of Delaware. @Link holds a certificate of authority to transact business in
18 Illinois.
19

20 **III. MANAGERIAL AND TECHNICAL QUALIFICATIONS**

21
22 **Q. PLEASE ADDRESS @LINK'S MANAGERIAL AND TECHNICAL QUALIFICA-**
23 **TIONS.**

24 **A.** The management of @Link is well qualified to execute its business plan, having
25 extensive managerial and technical experience in the telecommunications field. @Link
26 attached extensive descriptions of the experience of its management personnel as
27 Attachment C to its Application. @Link maintains that these materials demonstrate

1 @Link's capability to provide the proposed telecommunications services in the State of
2 Illinois.

3
4 **IV. FINANCIAL QUALIFICATIONS**

5 **Q. PLEASE DESCRIBE @LINK'S FINANCIAL QUALIFICATIONS.**

6 A. @Link is financially qualified to provide the proposed telecommunications services in
7 Illinois. @Link provided its most recent audited financial statements along with its
8 balance sheet, statement of operations (income statement) and statement of cash flows for
9 the seven months ended December 31, 1999, respectively, as Exhibits E and F of its
10 Application. As stated in @Link's Application, @Link has also consummated two credit
11 agreement with equipment vendors which will provide @Link with up to \$229.5 million
12 to finance the purchase of equipment necessary for the build-out of @Link's network.
13 @Link is also in the process of obtaining additional financing in an amount of
14 approximately \$39.5 million to purchase and install additional equipment. These
15 additional measures will provide @Link with the necessary liquidity and capital to
16 provide the requested services in the State of Illinois. Moreover, all of this financial
17 information demonstrates that @Link is financially qualified to provide the
18 telecommunications services proposed in its Application.

19
20 **V. @LINK'S PROPOSED SERVICES**

21 **Q. PLEASE DESCRIBE THE TYPES OF SERVICES THAT @LINK WILL OFFER**
22 **IN ILLINOIS.**

23 A. @Link plans to offer a full range of facilities-based local exchange and interexchange
24 services. As I stated earlier, @Link currently provides data transmission services in
25 Illinois. @Link's local exchange services may include, but will not be limited to the
26 following: (1) Basic Residential and Business Exchange Services (Flat Rate, Measured
27 Rate, operator services, etc.) (2) Residential and Business Custom and Class Features

(call waiting, caller ID, call forwarding, etc.), (3) Residential and Business Ancillary Services (911, directory assistance, etc.), and (4) Private Line Services. @Link will have the ability to originate and terminate local traffic for its customers. @Link also plans to offer long distance services to its customers.

Q. HOW WILL @LINK PROVIDE THESE SERVICES?

A. Initially, @Link will provide facilities-based services, such as switched, dedicated and special carrier access services through the use of unbundled networks elements leased from the incumbent local exchange carrier @Link may in the future also provide resold local exchange and interexchange services.

Q. WHAT GEOGRAPHIC AREAS WILL @LINK SERVE?

A. @Link seeks authority to provide local exchange telecommunications services throughout the State of Illinois.

VI. COMPLIANCE WITH THE COMMISSION RULES, REGULATIONS AND POLICIES

Q. IF AUTHORIZED TO PROVIDE COMPETITIVE TELECOMMUNICATIONS SERVICES, WILL @LINK ABIDE BY THE RULES, REGULATIONS, POLICIES AND ORDERS OF THIS COMMISSION, AND THE LAWS OF THE STATE OF ILLINOIS, IN ITS PROVISION OF COMPETITIVE INTRASTATE LOCAL EXCHANGE AND INTEREXCHANGE SERVICES?

A. Yes, it will. @Link will provide service in the State in full compliance with any and all rules and regulations that have been or may be adopted relating to the provision of local exchange and interexchange services, as well as any other applicable state or federal rules, regulations, or statutes. For example, @Link will comply with any competitively-neutral requirements that the Commission and/or the State of Illinois determines are necessary to preserve and advance universal service, protect the public safety and

1 welfare, ensure the continued quality of local services, and safeguard the rights of
2 consumers. @Link also will comply with all statutory and Commission requirements
3 concerning the filing of tariffs; customer notification of rate increases; customer billing
4 and credit issues; access to 9-1-1 services; access to telecommunications for persons with
5 disabilities; and the filing of regulatory reports and the payment of regulatory
6 assessments.

7
8 **Q. IF GRANTED CERTIFICATION TO PROVIDE LOCAL SERVICE IN**
9 **ILLINOIS, WILL @LINK ABIDE BY THE RULES AND REGULATIONS OF**
10 **THIS COMMISSION, AS NOW ADOPTED OR THAT MAY BE ADOPTED IN**
11 **THE FUTURE?**

12 **A.** Yes, it will.

13
14 **Q. PLEASE PROVIDE THE NAME, ADDRESS, TELEPHONE, AND FAX NUMBER**
15 **OF THE 9-1-1 CONTACT PERSON FOR YOUR COMPANY?**

16 **A.** I am the contact person for 9-1-1 issues for @Link. My address, telephone and fax
17 numbers are listed above.

18
19 **Q. WILL YOUR COMPANY ENSURE THAT 9-1-1 TRAFFIC IS HANDLED IN**
20 **ACCORDANCE WITH THE 83 ILLINOIS ADMINISTRATIVE CODE PART 725**
21 **AND THE EMERGENCY TELEPHONE SYSTEM ACT?**

22 **A.** Yes, @Link will ensure that 9-1-1 traffic is handled in accordance with the 83 Illinois
23 Administrative Code Part 725 and the Emergency Telephone System Act.

24
25 **Q. WILL YOUR COMPANY CONTACT AND ESTABLISH A WORKING**
26 **RELATIONSHIP WITH 9-1-1 SYSTEMS WHEN YOU BEGIN TO PROVIDE**
27 **LOCAL TELEPHONE SERVICE?**

28 **A.** Yes. @Link will contact and establish a working relationship with 9-1-1 systems prior to
29 providing local telephone service in Illinois.
30

1 Q. WILL YOUR COMPANY COORDINATE WITH THE INCUMBENT LEC(S)
2 AND LOCAL 9-1-1 SYSTEMS TO PROVIDE TRANSPARENT SERVICE FOR
3 YOUR LOCAL EXCHANGE CUSTOMERS?

4 A. Yes, @Link will coordinate with the incumbent LEC(s) and local 9-1-1 systems to
5 provide transparent 9-1-1 service to @Link's local exchange customers. @Link has
6 entered or will enter into interconnection agreements with the incumbent LECs, which set
7 forth the manner of transporting 9-1-1 calls from the @Link end user to the appropriate
8 Public Safety Answering Point ("PSAP").

9
10 Q. WHO WILL BE RESPONSIBLE FOR BUILDING AND MAINTAINING THE 9-
11 1-1 DATA BASE FOR YOUR LOCAL EXCHANGE CUSTOMERS?

12 A. I will be responsible for maintaining @Link's internal 9-1-1 database and operations.

13
14 Q. HOW OFTEN WILL YOUR COMPANY UPDATE THE 9-1-1 DATA BASE
15 WITH CUSTOMER INFORMATION?

16
17 A. @Link will update the 9-1-1 database monthly.

18
19 Q. WILL YOUR COMPANY'S BILLING SYSTEM HAVE THE ABILITY TO
20 DISTINGUISH BETWEEN FACILITIES BASED AND RESALE FOR THE
21 COLLECTION OF THE 9-1-1 SURCHARGE AND ILLINOIS TELE-
22 COMMUNICATIONS ACCESS CORPORATION LINE CHARGE?

23 A. Yes. @Link's billing system will be able to differentiate between facilities-based and
24 resale for the collection of the 9-1-1 surcharge and Illinois Telecommunications Access
25 Corporation line charge.

26
27 Q. DOES YOUR COMPANY HAVE PROCEDURES FOR THE TRANSITIONING
28 OF THE 9-1-1 SURCHARGE COLLECTION AND DISBURSEMENT TO THE
29 LOCAL 9-1-1 SYSTEM?

30 A. Yes.

31
32 Q. WILL YOUR COMPANY'S PROPOSAL REQUIRE ANY NETWORK
33 CHANGES TO ANY OF THE 9-1-1 SYSTEMS?

34 A. No.

1
2 **Q. WILL YOUR COMPANY BE ABLE TO MEET THE REQUIREMENTS**
3 **SPECIFIED UNDER PART 725.500(o) AND 725.620(b) FOR THE**
4 **INSTALLATION OF CALL BOXES?**

5 **A.** @Link intends to request a waiver of Part 725.500(o) and 725.620(b) from the Illinois
6 Commerce Commission. Sections 725.500(o) and 725.620(b) require that call boxes be
7 installed at a local exchange carrier's ("LEC") switch in order to allow a Public Safety
8 Answering Point ("PSAP") employee to field 9-1-1 calls from that switch in the event of
9 a trunking problem between the central office and the PSAP. @Link will ensure that it
10 can process all emergency calls with a high degree of reliability.

11
12 **Q. PLEASE PROVIDE THE NAME, ADDRESS, TELEPHONE, AND FAX NUMBER**
13 **OF THE PERSON AT YOUR COMPANY THAT WILL BE RESPONSIBLE FOR**
14 **WORKING WITH THE COMMISSION'S CONSUMER SERVICES DIVISION**
15 **FOR COMPLAINT RESOLUTION?**

16 **A.** I am the contact person for complaint resolution. My business address is 2220 Campbell
17 Creek Boulevard, Suite 110, Richardson, Texas 75082. My business phone number is
18 (972) 367-1724. My fax number is (972) 367-1775.

19
20 **Q. WILL YOUR COMPANY COMPLY WITH 83 ILLINOIS ADMINISTRATIVE**
21 **CODE PART 772, PAY-PER-CALL SERVICES, INCLUDING PART 772.55(a)(1),**
22 **BILLING AND PART 772.100(d) NOTICES?**

23 **A.** At this time, @Link has no plans to provide local pay-per-call services. If in the future,
24 @Link wishes to provide these services, it will abide by 83 Illinois Administrative Code
25 Part 772, including Part 772.55(a)(1) and Part 772.100(d).

26
27 **Q. WILL YOUR COMPANY COMPLY WITH 83 ILLINOIS ADMINISTRATIVE**
28 **CODE PART 705, PRESERVATION OF RECORDS OF TELEPHONE**
29 **UTILITIES?**

30 **A.** Yes. @Link will comply with the regulations imposed on LECs concerning the
31 preservation of records. However, as described below, @Link requests permission to

1 maintain its books and records at its principal place of business in the State of Colorado
2 pursuant to 83 Ill. Admin. Code part 250.

3
4 **Q. WILL YOUR COMPANY ABIDE BY 83 ILLINOIS ADMINISTRATIVE CODE**
5 **PART 735, "PROCEDURES GOVERNING THE ESTABLISHMENT OF**
6 **CREDIT, BILLING, DEPOSITS, TERMINATION OF SERVICE AND**
7 **ISSUANCE OF TELEPHONE DIRECTORIES FOR TELEPHONE UTILITIES IN**
8 **THE STATE OF ILLINOIS"?**

9 **A.** To the extent that the Commission does not grant @Link a waiver of Part 735, @Link
10 will comply with 83 Illinois Administrative Code Part 735. However, as described
11 below, @Link also requests a variance with regard to the issuance of telephone
12 directories.

13
14 **Q. WHO WILL PROVIDE CUSTOMER REPAIR SERVICE FOR YOUR**
15 **COMPANY?**

16 **A.** @Link customers may call @Link customer service number, 1-888-375-9750, 24 hours a
17 day, seven days a week for routine and emergency repair and maintenance. If the repair
18 or maintenance request concerns a resold or UNE portion of @Link's network, @Link
19 will contact the incumbent carrier. If the repair or maintenance request concerns a
20 @Link owned facility, such as a switch, @Link will utilize contractual arrangements it
21 may have with the incumbent carrier or handle the repair or maintenance through its
22 employees.

23
24 **Q. WILL YOUR COMPANY MEET THE REQUIREMENTS AS THEY PERTAIN**
25 **TO THE TELEPHONE ASSISTANCE PROGRAMS IMPOSED BY SECTIONS**
26 **13.301 AND 13.301.1 OF THE ILLINOIS PUBLIC UTILITIES ACT AND 83**
27 **ILLINOIS ADMINISTRATIVE CODE PART 757?**

28 **A.** Yes, @Link will participate with Illinois telephone assistance programs.

29
30 **Q. DOES @LINK INTEND TO COMPLY WITH THE COMMISSION'S RULES**
31 **CONCERNING THE PROVISION OF TELEPHONE RELAY SERVICES AND**
32 **OTHER REQUIREMENTS CONCERNING THE PROVISION OF SERVICE TO**
33 **PERSONS WITH DISABILITIES?**

1 A. Yes. @Link will comply with applicable Commission regulations concerning
2 Telecommunications Relay Services, access for persons with disabilities, and telephone
3 assistance programs. @Link intends to comply with those requirements including the
4 provision of TTY distribution and Telecommunications Relay Service by contracting
5 with incumbent LECs.

6
7 Q. WILL YOUR COMPANY ABIDE BY THE REGULATIONS AS PRESCRIBED
8 IN 83 ILLINOIS ADMINISTRATIVE CODE PART 755, "TELE-
9 COMMUNICATIONS ACCESS FOR PERSONS WITH DISABILITIES," 83
10 ILLINOIS ADMINISTRATIVE CODE PART 756 "TELECOMMUNICATIONS
11 RELAY SERVICE," AND SECTIONS 13-703 OF THE ILLINOIS PUBLIC
12 UTILITIES ACT?

13 A. Yes.

14
15 Q. WILL @LINK COMPLY WITH THE COMMISSION'S RULES CONCERNING
16 THE UNIVERSAL SERVICE OBLIGATIONS OF LOCAL EXCHANGE
17 CARRIERS, INCLUDING REGULATIONS CONCERNING CONTRIBUTIONS
18 TO THE UNIVERSAL TELEPHONE ASSISTANCE CORPORATION
19 ("UTAC")?

20 A. Yes. @Link will comply with the requirements of Ill. Adm. Code Part 757, including
21 membership with the Universal Telephone Assistance Corporation ("UTAC"), and
22 meeting the requirements concerning the solicitation and remittance of contributions, and
23 the filing of appropriate reports with the Commission in the same manner as the
24 incumbent LECs. @Link will comply with all rules and requirements imposed on LECs,
25 as now adopted or as may be adopted in the future, in order to bear its fair share of that
26 responsibility.

27
28 Q. HAS YOUR COMPANY SIGNED AND RETURNED THE UNIVERSAL
29 TELEPHONE ASSISTANCE CORPORATION ("UTAC") AND THE ILLINOIS
30 TELECOMMUNICATIONS ACCESS CORPORATION ("ITAC") TO
31 COMMISSION STAFF?
32

1 A. No. @Link will return the UTAC and ITAC prior to providing local exchange services
2 in Illinois.

3
4 Q. WILL YOUR COMPANY SOLICIT, COLLECT, AND REMIT THE
5 VOLUNTARY CONTRIBUTIONS FROM ITS TELEPHONE SUBSCRIBERS TO
6 SUPPORT THE TELEPHONE ASSISTANCE PROGRAMS?

7 A. Yes.

8
9 Q. DOES YOUR COMPANY PLAN TO OBTAIN ELIGIBLE TELE-
10 COMMUNICATIONS CARRIER STATUS TO QUALIFY FOR THE
11 FEDERALLY FUNDED LIFELINE AND LINK UP PROGRAMS?

12 A. At this time, @Link does not intend to seek designation as an Eligible
13 Telecommunications Carrier.

14
15 Q. WILL YOUR COMPANY OFFER ALL OF THE WAIVERS ASSOCIATED
16 WITH THE UNIVERSAL TELEPHONE SERVICE ASSISTANCE PROGRAMS
17 (UTSAP)?

18 A. Yes.

19
20 Q. PLEASE DESCRIBE YOUR COMPANY'S INTERNAL PROCESS FOR
21 COMPLAINT RESOLUTION, THE ESCALATION PROCESS WITHIN YOUR
22 COMPANY, AND WHEN A CUSTOMER IS NOTIFIED THAT THEY MAY
23 CONTACT THE ILLINOIS COMMERCE COMMISSION FOR ASSISTANCE.

24 A. @Link will handle customer service orders, requests, inquiries, and/or complaints
25 through its toll-free customer service number, (888) 375-9750. This toll-free number will
26 be printed on customer invoices. @Link's customer service center is available 24 hours a
27 day, seven days a week, and is staffed by knowledgeable customer service
28 representatives. Resolution and/or escalation of customer service complaints will be
29 handled in conformity with applicable Commission regulations and @Link's tariffs.

30

1 Q. WILL THE COMPANY FILE TARIFFS FOR ALL SERVICES AND CHARGES
2 ASSOCIATED WITH PROVIDING LOCAL TELEPHONE SERVICE,
3 INCLUDING SPECIFIC PROGRAMS, E.G., 9-1-1, UTAC, AND ITAC?

4 A. Yes. @Link will file a final local exchange tariff after certification and prior to the
5 initiation of local exchange service in Illinois. The tariff will set forth provisions for all
6 of its local service offerings, including 9-1-1, UTAC, and ITAC.

7
8 Q. HOW DOES YOUR COMPANY PLAN TO SOLICIT CUSTOMERS ONCE IT
9 BEGINS TO PROVIDE LOCAL SERVICE?

10 A. @Link will use direct marketing and wholesale methods in order to market its service to
11 business and residential customers.

12
13 Q. WILL YOUR COMPANY ABIDE BY FEDERAL AND STATE SLAMMING
14 LAWS?

15 A. Yes. @Link will comply with Illinois law and the Federal Communications
16 Commission's regulations regarding how carriers may change a consumer's primary
17 carrier.

18
19 Q. HAS YOUR COMPANY WRITTEN GUIDELINES TO PREVENT THE
20 UNAUTHORIZED SLAMMING OF LOCAL EXCHANGE CUSTOMERS?

21 A. @Link requires that every sale of telecommunications service be generated through
22 customer understanding and informed consent regarding the nature of the transaction, the
23 services being requested and the associated costs involved. Although @Link does not yet
24 have written guidelines to prevent the unauthorized slamming of local exchange
25 customers, @Link will comply with all applicable Illinois Commerce Commission and
26 FCC rules and regulations regarding slamming.

27
28 Q. HAS YOUR COMPANY PROVIDED SERVICE UNDER ANY OTHER NAME?

1 A. Yes. @Link was formerly known as Dakota Services, Ltd. and has provided data
2 transmission services in Illinois and Wisconsin under that name. Dakota Services, Ltd.
3 notified the Commission of its name change on June 21, 1999.

4
5 **Q. HAVE ANY COMPLAINTS OR JUDGMENTS BEEN LEVIED AGAINST THE**
6 **COMPANY? (INSTATE, OUT-OF-STATE, OR FCC).**

7 A. To my knowledge, no complaints or court judgements have been levied with any
8 regulatory body against @Link

9
10 **VI. WAIVERS AND VARIANCES**

11 **Q. @LINK HAS REQUESTED A WAIVER FROM CERTAIN PROVISIONS OF**
12 **THE ILL. ADM. CODE. WHAT IS THE BASIS FOR THESE REQUESTS?**

13 A. @Link seeks a waiver of Parts 710 and 735. @Link also seeks a variance of Part
14 735.180. It is my understanding that the Commission in other cases has found that it is
15 not necessary to apply these regulatory provisions to competitive service providers and
16 has exempted competitive carriers from the application of these provisions. Such waivers
17 reduce the economic burdens of regulation and are not inconsistent with the law or the
18 purposes and policies of Article XIII of the Act. @Link respectfully submits that these
19 waivers will benefit Illinois consumers by facilitating the Company's entry into the
20 telecommunications market without compromising the public interest. Furthermore, the
21 Commission granted @Link (formerly Dakota Services, Ltd.) a variance of Part 735.180
22 in its certification order in Docket 97-0517.

23
24 **Q. PLEASE EXPLAIN @LINK'S REQUEST FOR A WAIVER FROM PART 710.**

25 A. Part 710 requires compliance with the Uniform System of Accounts ("USOA"). While
26 this provision is appropriately applied to incumbent LECs that have market power, it
27 imposes unnecessary and burdensome requirements on new entrants that are inconsistent
28 with a competitive environment. @Link's size and lack of market power are special

1 circumstances that warrant a waiver of the USOA requirement. @Link keeps its books in
2 accordance with Generally Accepted Accounting Principles ("GAAP"), which will result
3 in a substantially equivalent portrayal of its operating results and financial condition and
4 will maintain uniformity in the substantive results as among telecommunications
5 companies. Finally, it is my understanding that the Commission has waived Part 710 for
6 other competitive carriers, including MFS Intelenet of Illinois, Inc. (Docket No. 93-0409)
7 and MCI Metro Access Transmission Services, Inc. (Docket No. 94-0400). @Link seeks
8 the same treatment. Furthermore, @Link (formerly Dakota Services, Ltd.) was granted
9 such a waiver by this Commission in its certification order in Docket 97-0517.

10
11 **Q. WILL APPLICANT MAINTAIN ITS RECORDS IN SUFFICIENT DETAIL TO**
12 **FACILITATE THE CALCULATION OF ALL APPLICABLE TAXES?**

13 **A.** Yes.

14
15 **Q. DOES THE ACCOUNTING SYSTEM CURRENTLY IN USE BY APPLICANT**
16 **PROVIDE SUFFICIENTLY DETAILED DATA FOR THE PREPARATION OF**
17 **ILLINOIS GROSS RECEIPTS TAX RETURNS? WHAT SPECIFIC ACCOUNTS**
18 **OR SUB-ACCOUNTS PROVIDE THIS DATA?**

19 **A.** Yes. @Link's Chart of Accounts demonstrates that its accounting system provides
20 sufficiently detailed state for the preparation of Illinois gross receipts tax returns.
21 @Link's Chart of Accounts is attached under seal as Exhibit A to this testimony. Please
22 note that the Chart of Accounts has been enclosed in a sealed envelope marked
23 "Confidential." The Chart of Accounts are not generally available to the public and
24 @Link considers and treats its Chart of Accounts as confidential and proprietary.
25 Concurrent with this testimony, @Link is filing a Motion for Protective Order requesting
26 that the Chart of Accounts be accorded confidential treatment and not be disclosed to the
27 public.

28

1 Q. PLEASE DESCRIBE @LINK'S REQUEST FOR A WAIVER OF THE
2 REQUIREMENT TO MAINTAIN BOOKS AND RECORDS IN THE STATE OF
3 ILLINOIS PURSUANT TO 83 ILL. ADM. CODE 250.20.

4 A. @Link requests a waiver pursuant to 83 Ill. Adm. Code 250.20 so that it may maintain its
5 books and records at its principle place of business in Louisville, Colorado. @Link
6 (formerly Dakota Services, Ltd.) was granted such a waiver by this Commission in its
7 certification order in Docket 97-0517.

8
9 Q. PLEASE EXPLAIN @LINK'S REQUEST FOR A VARIANCE FROM 83 ILL.
10 ADM. CODE PART 735.180.

11 A. @Link seeks a variance of Part 735.180, which requires LECs to publish and distribute
12 directories to their customers. @Link plans to negotiate an agreement with other local
13 exchange providers, pursuant to which those carriers will include @Link's customer
14 listings in their directories and distribute them to @Link's customers. As stated above,
15 the Commission granted @Link (formerly Dakota Services, Ltd.) a variance of Part
16 735.180 in its certification order in Docket 97-0517.

17
18 VII. CONCLUSION

19
20 Q. THE COMMISSION'S CONSUMER SERVICES DIVISION REQUESTS THAT
21 CARRIERS THAT ARE CERTIFIED TO PROVIDE LOCAL EXCHANGE
22 SERVICE NOTIFY THE DIVISION AT LEAST ONE MONTH PRIOR TO THE
23 ACTIVATION OF LOCAL EXCHANGE SERVICE. WILL @LINK SO NOTIFY
24 THE DIVISION ON A TIMELY BASIS PRIOR TO THE ACTIVATION OF
25 LOCAL SERVICE?

26 A. Yes, it will.

27
28 Q. DOES THIS CONCLUDE YOUR TESTIMONY?

29 A. Yes, it does. I reserve the right, however, to amend or modify my testimony, as
30 appropriate.

31
END OF TESTIMONY

VERIFICATION

STATE OF TEXAS)
)
COUNTY OF)

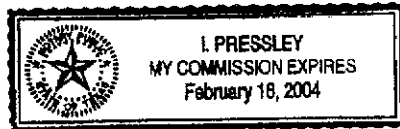
I, Constance L. Kirkendall, being duly sworn, declare that I am Regulatory Manager of @Link Networks, Inc. ("@Link"). I have caused to be prepaid written testimony in connection with @Link's Application for a Certificate of Local and Interexchange Authority to Operate as a Reseller and Facilities-Based Carrier of Telecommunications Services Throughout the State of Illinois. My testimony is true and correct to the best of my knowledge and belief.

Constance L. Kirkendall

Name: Constance L. Kirkendall
Title: Regulatory Manager
@Link Networks, Inc.

Subscribed and Sworn to before me this 24 day of June, 2000.

I. Pressley
Notary Public



My commission expires: _____